

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>WILLIAM J. HAMMONS,</b>	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 05-718-KAJ
	:	
<b>THOMAS L. CARROLL,</b>	:	
Warden, and <b>CARL C. DANBERG,</b>	:	
Attorney General for the State of Delaware,	:	
	:	
Respondents. <sup>1</sup>	:	

**MOTION FOR EXTENSION OF TIME**

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, respondents move for an extension of time in which to file an answer to the petition. In support thereof, respondents state the following:

1. The petitioner, William J. Hammons, has applied for federal habeas relief, challenging his June 2002 conviction by guilty plea in Delaware Superior Court for second degree rape, first degree unlawful imprisonment, and third degree assault. D.I. 1. By the terms of the Court's order, the answer is due to be filed on January 23, 2006.

2. Within the last four weeks, counsel for respondents has filed an answering brief and presented an oral argument in two appeals in the Delaware Supreme Court. Counsel has also filed an answer to a federal habeas petition in this Court, and will be filing a motion for summary affirmance this week in the Third Circuit. Further, the undersigned has been out of the office for a week on previously scheduled vacation. In addition, the undersigned has been and continues to be working

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<sup>1</sup> See Fed.R.Civ.P. 25(d)(1). Attorney General Carl C. Danberg assumed office on December 8, 2005, replacing former Attorney General M. Jane Brady, an original party to this case.

on other cases before this Court and the state courts. In light of the situation, additional time is needed to complete the answer and have it reviewed in the ordinary course of business.

3. Under Habeas Rule 4, the Court has the discretion to give respondents an extension of time exceeding the 40-day limit in Civil Rule 81(a)(2). *Clutchette v. Rushen*, 770 F.2d 1469, 1473-74 & n.4 (9<sup>th</sup> Cir. 1985); *Kramer v. Jenkins*, 108 F.R.D. 429, 431-32 (N.D. Ill. 1985).

4. This is respondents' first request for an extension of time in this case.

5. Respondents submit that an extension of time to and including February 10, 2006, in which to file an answer is reasonable. Respondents submit herewith a proposed order.

/s/ Elizabeth R. McFarlan  
Deputy Attorney General  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 577-8500  
Del. Bar. ID No. 3759

DATE: January 19, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that on January 19, 2006, I electronically filed a motion for extension of time and attachments with the Clerk of Court using CM/ECF. I also hereby certify that on January 19, 2006, I have mailed by United States Postal Service, the same documents to the following non-registered participant:

William J. Hammons  
SBI No. 166139  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

/s/ Elizabeth R. McFarlan  
Deputy Attorney General  
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